

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK NEIL KINNEY,

Petitioner,

Case No. 17-11545
HONORABLE AVERN COHN

v.

CONNIE HORTON,

Respondent.

ORDER

**GRANTING PETITIONER'S MOTION FOR LEAVE TO AMEND PETITION (Doc. 7)
AND MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY (Doc. 9)**

I.

This is a habeas case under 28 U.S.C. § 2254. Petitioner, through counsel, has filed a Motion for Leave to Amend Petition and Motion for Leave to File Supplemental Authority. (Docs. 7, 9). For the reasons that follow, the motions will be granted.

II.

The decision to grant or deny a motion to amend a habeas petition is within the discretion of the district court. Clemmons v. Delo, 177 F.3d 680, 686 (8th Cir.1999); citing Fed. R. Civ. P. 15. Notice and substantial prejudice to the opposing party are the critical factors in determining whether an amendment to a habeas petition should be granted. Coe v. Bell, 161 F.3d 320, 341-342 (6th Cir. 1998). Petitioner's request to amend his petition does not appear to be made in bad faith or to be an attempt to delay the proceedings.

Petitioner also seeks leave to file a supplemental authority memorandum to address a Supreme Court decision issued after the filing of his amended petition. The interests of justice are best served by allowing Petitioner to file this supplemental authority memorandum and will grant the motion.

III.

For the reasons stated above, Petitioner's Motion for Leave to Amend Petition is and Motion for Leave to File Supplemental Authority Memorandum is are GRANTED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 25, 2018
Detroit, Michigan